

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

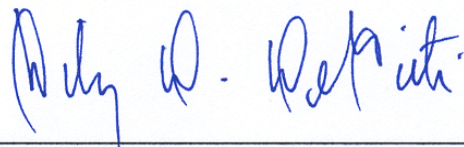
JAMES OTIS TOWNS,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-12-1062-D
)	
TERRY MARTIN, Warden,)	
)	
Respondent.)	

ORDER

This matter is before the Court for review of the Supplemental Report and Recommendation [Doc. No. 15], issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Purcell recommends dismissal of the Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus, due to the death of Petitioner James Otis Towns. The Supplemental Report and Recommendation is adopted, and has been waived. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Supplemental Report and Recommendation is adopted in its entirety. The Petition is dismissed with prejudice. Judgment shall be entered accordingly.

IT IS SO ORDERED this 11th day of April, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE